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Sent: 8/17/2018 1:13:34 PM
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Subject: RE:

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-Aaron

From: Palich, Christian
Sent: Friday, August 17, 2018 9:13 AM
To: Lyons, Troy <lyons.troy@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject:

EPA

Ex-Trump nominee is a fan of science overhaul

Niina Heikkinen, E&E News reporter

Published: Friday, August 17, 2018

President Trump's controversial ex-nominee to head EPA's chemical safety office likes a proposal to limit which research the agency can use when crafting new rules.

Michael Dourson, director of science at the nonprofit group Toxicology Excellence for Risk Assessment, told E&E News in an interview that "overall," his group supports the agency's proposed rule, which would require that studies used in EPA rulemaking make their methodologies and data publicly available. The group submitted its opinion in writing to EPA yesterday during a public comment period.

The "Strengthening Transparency in Regulatory Science" proposal, known alternately as the "censored science" or "secret science" rule, has met with strong opposition from environmental groups who see it as a way for EPA to avoid drafting regulations on harmful pollutants.

But Dourson — like other fans of the overhaul — described the rule as a way to allow EPA to demand access to data, in much the same way the agency is already able to evaluate relevant data from the industries the agency regulates.

"There are aspects we support, and there are aspects we would like to see reworked," he said of the proposal. "EPA could have made it more clear that there are situations where they ask for data to do their own analysis and the authors have not given the data, and in that kind of situation, the EPA people are stuck."

More access to data, in turn, would help EPA make more informed decisions about whether it makes sense to proceed with future regulations, he said.

Dourson was nominated to head EPA's Office of Chemical Safety and Pollution Prevention in July 2017 but withdrew his name last December after facing fierce opposition from Senate Democrats and some Republicans. While awaiting confirmation, he worked for three months as a senior adviser to then-EPA Administrator Scott Pruitt under a special hiring authority. Both his presence at the agency without prior Senate approval and his connections to the chemical industry drew sharp scrutiny from critics.

Dourson said yesterday that during his time as Pruitt's adviser, he was given no authority to manage staff or make decisions and did not have access to offices containing confidential business information.

"It was basically to learn in office," he said of his role at the agency.

Critics of the EPA science proposal warn that the change strictly limits the types of research it could consider in rulemaking. They say EPA would not be able to consider landmark public health studies that rely on patient information, or on public health research on victims of disasters, where data cannot be ethically replicated. They say that excluding this research will mean the agency will underestimate the potential benefits of crafting new rules and that it would ultimately lead to more pollution.

However, Dourson said he did not think EPA would discount major epidemiological studies like the famous "Harvard Six Cities" research in drafting regulations. Instead, those studies would perhaps be used indirectly to develop hypotheses on what pollution or toxin levels should be used to then conduct animal research to more directly quantify the physical harm caused by the pollutants. That animal research data could then be "tied in" with epidemiological data to extrapolate the harm to human populations.

"It's an amazing amount of work," Dourson said.

The proposal also gives EPA's administrator the authority to waive the data requirements on a case-by-case basis, which has raised some concerns about what types of research may or may not face greater scrutiny.

"I like the idea of giving the administrator some latitude, but at the same time, if he's using his judgment there, he has to fully explain what he is doing," Dourson said.

Yesterday was the last day for the public to leave comments on the proposed rule.

While most of the comments on the proposal slammed EPA for considering it, EPA's plan also received a flurry of positive feedback over the past week. Supporters emphasized their right to know what the government was doing with taxpayer money, and repeatedly called for EPA to "show your work."

Dourson's group, TERA, called for EPA to have more access to data to better enable replication of and independent analysis of research.

"The public's interest is best served by trusting EPA's experts dedicated to public health protection. Withholding scientific data from EPA's independent analysis is not in the public's best interest," the comments from TERA read.

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